

Appln No.: 10/605,498  
Amendment Dated: October 26, 2005  
Reply to Office Action of September 7, 2005

#### REMARKS/ARGUMENTS

This is in response to the Office Action mailed September 7, 2005 for the above-captioned application. Reconsideration and further examination are respectfully requested.

Applicants thank Examiners Bowman and Shultz for taking the time to meet with their attorney. This paper will serve as a summary of the interview.

During the interview, possible amendments were discussed that might be effective to overcome the different interpretations of the claim language, particularly as it relates to the phrase "consecutive series of bases." Examiner explained that she was interpreting the language as covering any consecutive series of bases, or any length, and giving no weight to the language indicating that the therapeutic agent was effective to reduce the amount of hsp27 in a cell. Because of this, any sequence would have been considered sufficient to meet the structural limitations. The Examiners further indicated that the claims would be seen differently if the claims were said to comprise "the sequence" (as opposed to "a sequence") of the specified sequence numbers.

Based on this discussion, Applicants have amended claim 14 to recite an oligonucleotide that is either an antisense oligonucleotide comprising the sequence as set forth in one of Seq. ID Nos. 1-81, or an siRNA comprising the sequence as set forth in one of Seq. ID Nos. 83-90. Applicants believe that this amendment to claim 14 overcomes the rejections of record and is consistent with the discussion at the interview.

The Examiner rejected claims 14-17, 19 and 25-28 as anticipated by Baracchini (US 5,801,154). Baracchini does not disclose any oligonucleotide that comprises the sequence of bases as set forth in any of the listed Seq. ID Nos. Thus, Applicants submit that this rejection should be withdrawn.

The Examiner rejected claims 14, 15, 17 and 19 as anticipated by Lee et al. This rejection is based on the language consecutive series of bases as interpreted by the Examiner, and therefore this rejection is believed to be overcome by the amendments to the claims.

The Examiner rejected claims 14-17, 19 and 25-28 as obvious over the combination of Horman in view of Taylor, Baracchini and Bennett. During the interview, the Examiners argued that Horman was considered to show some utility for hsp27 antisense, and thus to provide a motivation to make oligonucleotides generally. Applicants do not concede this point, and reserve the right to pursue claims directed to a broader scope. However, Horman uses a full length antisense cDNA and fails to disclose any specific oligonucleotides. Thus, there is no suggestion

Appln No.: 10/605,498  
Amendment Dated: October 26, 2005  
Reply to Office Action of September 7, 2005

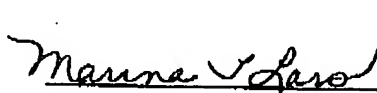
in the combination of references of the specific sequences as now recited in the claims. Accordingly, Applicants submit that this rejection should be withdrawn.

To place the application in better form for allowance, Applicants have canceled the non-elected method claims, and will be pursuing these claims in a divisional application. In addition, Applicants have canceled or amended other claims to avoid inconsistency in view of the amendments to claim 14. Claims 29-43 have been added to specifically claim other preferred antisense sequences as listed in ¶ 19. The number of claims has not been increased, so this amendment is proper after final.

Applicants request that the amendment be entered, and that the species of the withdrawn dependent claims be considered, and that all of the claims as now presented be allowed. Should the Examiner have any issues that need attention to achieve allowance, a telephone call to the undersigned is requested to facilitate resolution.

Applicants note that a supplemental Information Disclosure Statement, together with copies of EP EP 0813872 and the New Zealand Patent Office Report in which it was cited, and the fee for filing of a disclosure statement was filed in this case on October 13, 2005 and appears in IPW on Private Pair. Acknowledgment of the filing and consideration of the listed references in the next paper are requested.

Respectfully submitted,

  
\_\_\_\_\_  
Marina T. Larson, Ph.D  
Attorney/Agent for Applicant(s)  
Reg. No. 32038

(970) 468 6600